

## Appendix A

### Kansas Emergency Recovery Plan Procedures

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Emergency Watershed Protection (EWP)		
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National EWP Program Manual (NEWPPM): <http://directives.sc.egov.usda.gov/>

#### **What to do in a natural disaster.**

##### **1. Rapid Survey (Field Office [FO]/Assistant State Conservationist for Field Operations [ASTC-FO])** **WebTCAS: CTA-GENRL**

Within a few days of the disaster, the FO or ASTC-FO provides a report to the EWP Program Manager on the nature of the disaster and the extent (exigency\* or non-exigency) of damage. Information should be collected from:

- A. Touring the disaster area with county Farm Service Agency (FSA) staff, county Emergency Management Coordinator (for contact information, go to [http://www.kansas.gov/kdem/contact\\_us/cocoordinator\\_lepclisting.shtml](http://www.kansas.gov/kdem/contact_us/cocoordinator_lepclisting.shtml)), or others. (Please take photographs of potential EWP Program sites.)
- B. Newspaper stories and other information pertinent to the disaster.

\*Exigency means those situations that demand immediate action to avoid loss of life or property. All work on exigent situations will be completed within 10 days from the time the site is accessible and funding is approved. See NEWPPM, Subpart A, Section 511.7 for further guidance.

If an exigent situation exists, the Natural Resources Conservation Service (NRCS) staff person on site needs to call the STC, EWP Program Manager, or EWP Program Coordinator prior to initializing any EWP Program exigency assistance.

##### **2. Notify National Headquarters EWP Program Manager/Coordinator** **WebTCAS: CTA-GENRL**

Within five days of the disaster, the EWP Program Manager will submit an electronic disaster report (EDR) to National Headquarters (NHQ). A copy of the EDR form may be obtained at: See Appendix D.

### **3. Meet Potential Sponsor(s) (FO)**

**WebTCAS: CTA-GENRL**

The FO contacts potential Sponsor(s) and provides them the brochure (attached), "Emergency Watershed Protection Program." Additional talking points should include:

- A. Sponsor(s) must be a legal subdivision of a state government or agency, a local unit of government, or a qualified Native American tribe or tribal organization.
- B. Sponsor(s) must have the ability to acquire land and water rights and will be required to obtain all necessary permits.
- C. EWP Program actions would restore eligible damaged site(s) to pre-existing condition only.
- D. Sponsor(s)' share will be a minimum of 25 percent of financial assistance cost. The 25 percent can be cash and/or in-kind services (e.g., traffic control).

### **4. Submit Formal Request (Sponsor(s))**

Sponsor(s) must submit a formal request in writing for EWP Program assistance to the STC within 60 days of the disaster. Request must include:

- A. The date and nature of the disaster.
- B. Identification of the watershed(s) that have been impaired by the natural disaster.
- C. Identification of the imminent threat(s) to life or property posed by the impairment.
- D. Statement that they are a legal subdivision of state government, state agency, or Native American tribe or tribal organization and have the ability to acquire land rights, if necessary.
- E. A statement that they have exhausted other resources or have insufficient funding available to provide adequate relief from applicable hazards.

### **5. Form Initial EWP Team (ASTC-FO/EWP Program Manager/Coordinator)**

**WebTCAS: CTA-GENRL**

Within five days of receiving Sponsor(s) request, EWP Program Manager/Coordinator will coordinate with the ASTC-FO to create an initial EWP Program team for the purpose of conducting a EWP Program eligibility site assessment and generating a rough cost estimate for repairs (if necessary). EWP Program Manager/Coordinator will prepare a response letter for signature, acknowledging NRCS received the application. This initial team and advisors to the team should include:

<b>Initial EWP TEAM</b>	<b>Advisors to Team</b>
EWP Program Coordinator	EWP Program Manager/ASTC-Water Resources
District Conservationist (DC)	State Resource Conservationist (SRC)
Area Resource Conservationist (RC)	State Conservation Engineer (SCE)
Engineer	ASTC-FO

## **6. Site Visit (Initial EWP Program Team/Sponsor(s))**

**WebTCAS: CTA-GENRL**

Within ten days of receiving a request from Sponsor(s), the initial EWP Program team will make a site visit for the purpose of conducting the EWP Program eligibility assessment and generate rough cost estimate for repair (if necessary). A representative from the Sponsor(s) should also accompany the team on the site visit.

- Four key EWP Program eligibility criteria (if a site does not meet any one of these criteria, then site is not EWP Program eligible):
  - Damage caused by a natural disaster.
  - Natural disaster caused a sudden impairment of a watershed.
  - Damage poses an imminent threat to life or property.
  - There is an eligible sponsor.
- If site(s) is/are likely EWP Program eligible, the team will then develop rough measures or practices that:
  - Reduce threats to life or property, including sediment and debris removal.
  - Provide protection from additional flooding or soil erosion by retarding runoff.
  - Remove debris deposited by a natural disaster that would affect runoff or erosion.
  - Restore hydraulic capacity to the natural environment to maximum extent practical based on pre-event condition.
  - Provide immediate, adequate, and safe relief from the hazard.
  - Are necessary to reduce applicable threats to a stable condition and approximate condition that existed before the impairment of the watershed.
  - Conform to all applicable statutes, published regulations, and Executive Orders.
- During the initial site visit, Sponsor(s) should be given Form NRCS-ADS-78, Assurances Relating to Real Property Acquisition (Appendix E), and Form 1199A, Direct Deposit (Appendix F) to get them established as vendor within Financial Management system.

## **7. Eligibility Determination (STC)**

**WebTCAS: CTA-GENRL**

Within 10 days of EWP Program team site visit, the STC will determine if the site is eligible for the EWP Program. Eligibility will be determined based on the four key EWP Program criteria. A response letter regarding the eligibility determination will be prepared and sent to Sponsor(s) by the STC. Response letters regarding ineligible sites must include appeal options and process.

## **8. Update EDR (EWP Program Manager/Coordinator)**

**WebTCAS:**

**CTA-GENRL**

Within 10 days of site visit, EWP Program Manager/Coordinator files an updated EDR with NHQ.

## **9. Request Funds (STC)**

**WebTCAS: CTA-GENRL**

Within 60 days of receiving Sponsor(s)' request, the STC submits a request to NHQ for the establishment of a drawing account. The request will include financial assistance (FA) and technical assistance (TA) amounts and will be based on rough cost estimates developed in Step 6. (Request for funds must be submitted to NHQ on a "Request for Establishment of an EWP Program Drawing Account" worksheet found in Part 515, Subpart C, Section 515.20 of the NEWPPM.) The first 2 pages of Damage Survey Report (DSR) are to be submitted with the request (Appendix G).

## **10. Receipt of Funds (EWP Program Manager/Coordinator)**

**WebTCAS: EWP**

NHQ will notify the EWP Program Manager that funds are available for an EWP Program project. From the time funds are available for the project, "EWP" WebTCAS fund code should be used.

## **11. Notification of Sponsor(s) (EWP Program Manager/Coordinator)**

**WebTCAS: EWP**

The EWP Program Manager/Coordinator will contact the Sponsor(s) and indicate EWP Program funds are available. The Sponsor(s) need to provide verbal confirmation of wishing to proceed with the EWP Program work. Sponsor(s) will be advised at this time that all required work must be completed within 220 days from the date the NRCS state office receives notification of EWP Program funding availability for the project.

EWP Program Manager/Coordinator will provide the sponsor(s) with the required forms including: Form NRCS ADS-78, SF-424s, and 1199A if applicable. Forms may be provided by hard copy or electronically.

The signed Form NRCS ADS-78, supported by an attorney's opinion, as applicable will be required prior to obligation of funds.

The Form SF-424 and supporting documents including SF-424 A, B, C, and D as applicable and Kansas SF-424 Supplement will be required to initiate the project agreement and should be submitted to NRCS within 14 days of the Expanded EWP Team site visit. (See Appendix H and Appendix I.)

## **12. Expand EWP Program Team (ASTC-FO/EWP Program Manager/Coordinator)**

**WebTCAS: EWP**

When notification is received that requested EWP Program funds will be available, the EWP Program Manager/Coordinator and ASTC-FO will coordinate to expand the EWP Program team. The purpose of expanding the EWP Program team will be to include expertise to ensure EWP Program recovery measures meet both site eligibility and defensibility criteria (economic, environmental, technical, and social). The expanded team and its advisors should include:

<b>Expanded EWP Program Team</b>	<b>Advisors to Team</b>
EWP Program Coordinator	EWP Program Manager/ASTC-WR
Economist	ASTC-FO
Engineer	SCE
RC	SRC
DC	Contracting Officer (CO)
Agronomist/Plant Specialist	
Contract Specialist	
Biologist	
Cultural Resource Specialist	
Other (if necessary)	

### **13. Implementation Reports (STC/EWP Program Manager/Coordinator WebTCAS: EWP)**

Progress reports will be submitted to NHQ regularly (60 day intervals) beginning when funding notification is received and continuing until project is completed or cancelled. See Appendix J.

### **14. Damage Survey Report (DSR) (EWP Program Team) WebTCAS: EWP**

Within 21 days of the receipt of funds, a DSR should be completed by the Expanded EWP Program team and approved by the EWP Program Manager. A representative from the Sponsor(s) must be provided an opportunity to participate in the development and completion of the DSR (Appendix G).

The DSR is the primary document in the planning process to record all assessment, evaluation, and planning decisions for EWP Program recovery measures. A DSR must be completed for every site determined eligible for EWP Program assistance and must include sufficient data and information to document eligibility. Note that groups of similarly impaired sites within a limited geographic area can be lumped into a single DSR. Among other things, the DSR will detail recovery measures (and estimated costs) and benefits of the recovery measures. The recovery measures and associated cost estimates developed in Step 6 should be re-examined, updated, modified, or deleted as necessary. All EWP Program recovery measures must meet planning requirements outlined in the NEWPPM, Subpart A, Part 512.

A narrative shall be attached to the DSR outlining the design requirements of the recovery measures and a proposed timeline for designs and approved plans. The narrative will recommend the personnel and/or office(s) that will be responsible for the design, plans, and specifications to be used in implementation of the recovery measures. The narrative will be developed in consultation with the Sponsor(s), ASTC-FO, SRC, and SCE. Sponsor(s) may consider providing engineering design services that will be considered and require NRCS approval.

The SCE, SRC, and EWP Program Manager will review the completed DSR and recommend approval by the STC.

The EWP Program Manager/Coordinator will submit an updated copy of the first and second pages of the completed DSR to NHQ (original copy submitted with request to establish drawing account: Step 10).

**15. Operation and Maintenance (EWP Program Manager/Coordinator/Sponsor(s))**  
**WebTCAS: EWP**

On a case by-case basis, NRCS will determine the need for EWP Program operation and maintenance (O&M) plans and agreements. O&M activities will be in accordance with the National Operation and Maintenance Manual.

The project Sponsor(s) will be required to sign an O&M agreement and carry out the O&M plan for the entire period prescribed. Adequate land rights must have been or must be obtained in order for the project Sponsor(s) to carry out their O&M responsibilities. Project Sponsor(s) may contract completion of the O&M plan, but the project Sponsor(s) will retain the legal responsibility. Required O&M agreement/plans must be approved prior to NRCS obligating funds.

**16. Project Agreement (Contracting Officer/Program Manager/Coordinator and Sponsor(s))**      **WebTCAS: EWP**

NRCS and the Sponsor(s) will need to enter into a project agreement. Types of project agreements that can be used are listed below. Descriptions of these agreement types are included in the National Contracts, Grants, and Cooperative Agreements Manual (NCGCAM), Parts 510 through 517. Regardless of the project agreement used, NRCS must assure the quality of design, contracting, and any other construction carried out through design quality reviews or other measures. See Project Agreement Appendix K.

- A. Force Account Project Agreement: Sponsor performs work using its own equipment and personnel.
- B. Performance of Work Project Agreement: Only applicable if works of improvement are to be cost-shared on a percentage basis. Work should be performed under a competitively awarded contract.
- C. Contracting Local Organization (CLO) Project Agreement: Works of improvement are to be installed by the sponsor under a locally awarded contract, and NRCS is to assist in preparing the Invitation to Bid or to assist in administering the non-technical aspects of the contract. Work should be performed under a competitively awarded contract.
- D. Federal Contract Project Agreement: Works of improvement are to be installed by NRCS under a federal contract. Work is normally performed under a competitively awarded contract.

**17. Contracting (CO/EWP Program Team & Sponsor(s))**      **WebTCAS: EWP**

Installation of recovery measures can be accomplished using contract and/or agreement actions. NRCS and Sponsor(s) can jointly install work under the EWP

Program using a project (cooperative) agreement. NRCS policy regarding project agreements is found in the NCGCAM, Parts 510 through 517.

**18. Installation of Recovery Measures (EWP Program Manager/Coordinator/EWP Program Team)** **WebTCAS: EWP**

On federal contracts, the CO will assign Contracting Officer's Representatives (CORs) and inspectors; and on CLO contracts, government representatives are assigned to construction contracts with concurrence and approval of the ASTC-FO. The following actions will need to be completed for installation of recovery measures.

- Project Engineer finalizes Plans, Specifications, Cost Estimate, Performance Time Estimate, and Bid Schedule.
- EWP Program Manager/Coordinator, in coordination with appropriate ASTC-FO and SCE, develops Quality Assurance Plan.
- Projects advertised.
- CO and COR or government representative conducts site showings.
- CO or CLO receives and evaluates bids, awards contracts, and issues modifications as required.
- CO, government representative, and/or COR administer construction contracts. CO and DC administer floodplain easements.
- CORs and inspectors inspect construction for compliance plans and specifications.
- CO makes progress payments to contractors.
- SCE or representative, project engineer, CO, COR, DC, EWP Program Manager/Coordinator and local Sponsor(s) make final inspection.
- CO closes out contract and makes final payment to contractor.

**19. Form NRCS-PDM-23, Final Report (EWP Program Manager/Coordinator)** **WebTCAS: EWP**

Within 90 days of the project completion date, the STC will submit a final report to the NHQ Director, Conservation Planning and Technical Assistance Division. The report must describe the following:

- Emergency measure(s) installed.
- Benefit(s) provided.
- Excess funds returned to NHQ.

The report (Appendix L) may be transmitted electronically

**20. Status Reviews (EWP Program Manager/Coordinator)** **WebTCAS: EWP**

NRCS personnel assist local Sponsor(s) in performing inspections in accordance with O&M agreements, as required. CO amends project agreement to remove excess funds being returned to NHQ (Sponsor(s) and STC approved/signatures).